

# Wetland Buffer Modification

## Wetland Permit, Type I

Handout #35-D Revised 08/31/06



### What is a Wetland Permit?

Clark County's Wetlands Protection Ordinance (WPO), Clark County Cod 40.450, is designed to protect wetlands and streams that do not fall under the Management and Habitat Conservation programs. The WPO regulates activities within wetlands and areas immediately surrounding wetlands (i.e., wetland buffers) through the wetland permit process. Wetlands located on adjacent properties may affect a subject site due to extension of wetland buffers across property boundaries. A Wetland Permit from Clark County is required for any one of the following within a wetland or wetland buffer:

- Construction or placement of new structures or additions to existing structures
- Clearing vegetation and grading
- Alteration of wetland hydrology through ditching, diking, piping, or other means

Exemptions can be found in CCC 40.450.010(C). State and federal permits may also be required for proposed work within wetlands.

### What is a wetland rating?

Wetlands are classified into four categories (I, II, III, and IV) to determine the level of protection warranted using the Revised Wetland Rating System for Western Washington. This rating system scores the wetland for its ability to provide water quality, water quantity, and habitat functions. The total of these scores determines the wetland rating.

Category I and II are high value wetlands that are very difficult to replace so impacts must generally be avoided. Category III and IV wetlands are moderate in quality and easier to replace or can be altered through a wetland permit provided that wetland functions are replaced (i.e. mitigated).

Wetland buffers and mitigation ratios are determined by the wetland rating. The higher the quality of the wetland the more mitigation would be required to offset impacts or replace functions.

### What if I avoid the wetlands, but want to reduce or work in a wetland buffer?

A Type I wetland permit is still required unless it is part of another review process (i.e. Site Plan Review or Preliminary Land Division). Wetland buffers may be averaged per CCC 40.450.040(C)(3), or reduced by limiting the intensity of the impact that the proposed project will cause to a wetland (CCC 40.450.040(C)(1)). Any activity that will degrade buffer function such as grading, clearing vegetation, trail construction, herbicide application, etc. will require a wetland permit.

### Is a pre-application conference required?

A pre-application conference is not required prior to submitting a Wetland Permit application. However, wetland permit applications can be complex, especially when a wetland mitigation plan is required. It is recommended that applicants schedule a consultation meeting with a County Wetland Biologist (there is no fee). This meeting is intended to inform the applicant of project feasibility, mitigation options, application requirements, but can not guarantee preliminary wetland permit approval.

### Will SEPA be required?

Not necessarily. Type I Wetland Permits are exempt from SEPA unless there is another trigger such as grading in excess of 500 cubic yards, grading in a 100 year floodplain, or construction in a Shoreline Management Area.

### **What is the application process?**

The first step is to submit a completed application form and fee, together with the required submittal items to the Permit Services Center. The County conducts two application checks to ensure that applications are complete before staff begins their review process. Prior to accepting your application, the Permit Services staff will conduct a “**Counter Complete**” review of your submittal package. This initial review ensures that the required items (those preceded by a bold underline) within the **Wetland Permit Review Submittal Requirements** have been submitted before accepting your application (see attached submittal list).

Once your application is accepted, copies of your submittal package are routed to the wetland review staff. Staff conducts a second completeness check, known as the “**Fully Complete**” or technical review. This more detailed review includes a site visit to verify that wetlands and buffers are affected by the project and ensures that **all of the bulleted items** preceded by check-boxes on the attached submittal list have been submitted. As an example, does the plot plan have sufficient dimensions to accurately locate the structure on the site?

If **all** of the submittal requirements have been met, the application will be processed and a decision will be issued.

If any required items are missing from your submittal, you will be contacted by County staff with a list of the missing items. If you do not submit the requested information within 30 days of a written request for additional information, staff will return your application and refund the application fees, less any processing costs incurred to date.

### **What if I have other permits pending?**

Wetland permits are usually reviewed under the same process and timeline as the primary application for the project. It is recommended that wetland permit applications be submitted concurrently with the primary application in order to prevent delays in project approval.

A Wetland Permit application involving only wetland buffer modifications that is not associated with a project requiring a higher level of review is a Type I review. A wetland permit submitted in conjunction with a Type II review application (e.g., site plan review), will be processed as a Type II review. Both Type I and Type II review processes require a ministerial (administrative) decision by the Responsible Official. In making the decision, the Responsible Official must determine if the proposed development meets the requirements of the applicable sections of the Clark County Code. The decision is made after reviewing the proposal, providing public notice (Type II only), and considering written comments received from the public. The Responsible Official will then approve, approve with conditions, or deny the application.

A wetland permit application submitted in conjunction with an associated Type III application (e.g., subdivision) will be processed as a Type III Review. A Type III review requires a public hearing before the County Hearing Examiner. In making the decision, the Hearing Examiner must determine if the proposed applications meet the requirements of the applicable sections of the Clark County Code. This decision is made after reviewing the proposal, the staff's recommendation, and considering all testimony from the public. The Hearing Examiner will then approve, approve with conditions, or deny the application.

### **What kind of public notice is required?**

No public notice is given for Type I wetland permits.

For wetland permits processed as a Type II application, a public notice, describing the proposal, will be mailed to property owners within a 300' radius (if within an urban growth boundary), and a 500' radius (if outside an urban growth boundary) of the project site. A notice of the proposal will also be mailed to applicable state and federal agencies and to the applicant within 14 calendar days from the date the application is determined to be “fully complete”.

For wetland permits processed as a Type III application, the Type II notice procedure is used. In addition, a notice is posted on the subject property. The notice invites written comments to be submitted to the County within 14 calendar days of the date of the notice. Copies of any written comments received in a timely manner will be sent to the applicant. The applicant may submit a written response within 14 days from the date the comments are mailed.

### **What is a Staff Report and when will the Decision be made?**

For wetland permits subject to a Type I or Type II review process, staff's role is to prepare a Staff Report that summarizes their review of the proposal against the requirements of the Clark County Code, and make a decision to approve, approve with conditions, or deny the application. This written report will be mailed to the applicant within 21 (Type I) or 78 (Type II) calendar days of the "Fully Complete" determination.

For Type III reviews, Staff's role is to prepare a Staff Report that summarizes their review of the proposal against the requirements of the Clark County Code, and make a recommendation to approve, approve with conditions or deny the application. This written report will be mailed to the applicant at least 14 calendar days prior to the scheduled public hearing on this matter. The examiner will usually have a written decision issued within 14 days of the hearing unless special circumstances arise at the hearing.

### **Can a Wetland Permit decision be appealed?**

Type I and II decisions may be appealed to the County Hearings Examiner by the applicant or any person or group. An appellant must submit an appeal application and **\$1,021** fee within 14 calendar days after the written notice of the decision is mailed.

Type III decisions may be appealed to the Board or County Commissioners by the applicant or any Party-of-Record (i.e. participant in the Type III process). An appellant must submit an appeal application and \$266 fee within 14 calendar days after the written notice of the decision is mailed.

### **After my Wetland Permit is approved, what is next?**

If the approval of your wetland permit does not require Final Wetland Permit approval, you are ready to proceed with your project and complete your mitigation. Staff will coordinate with any assigned development inspector or conduct periodic field inspections to make sure the permit conditions are met.

But beware, there may be a time table in the decision that requires reporting of the progress of any mitigation required. Once you have documented that your mitigation is complete, your wetland permit file will be closed.

If Final Wetland Permit approval is required, the final details of the wetland plan will be reviewed and approved in conjunction with Engineering Construction Plan approval.

**Note:** This handout is not a substitute for county code. For more detailed information, please refer to Clark County Code, Chapter 40.450.

**Public Service Center  
Community Development Department  
1300 Franklin Street  
P.O. Box 9810  
Vancouver, WA 98666-9810  
Phone: (360) 397-2375; Fax: (360) 397-2011**

**Web Page at:** <http://www.clark.wa.gov>



**ADA COMPLIANCE PROGRAM:**

For an alternate format, contact the Clark County ADA Compliance Office, V (360) 397-2375-2025; TTY (360) 397- 2445;

E-Mail: [ADA@clark.wa.gov](mailto:ADA@clark.wa.gov)

## **DEVELOPMENT REVIEW**

### **WETLAND PERMIT FOR WETLAND BUFFER MODIFICATION**

### **APPLICATION SUBMITTAL REQUIREMENTS**

The following checklist identifies information required to be included with Preliminary Wetland Permit Application. **All** items with a bold underlined space (*i.e.*,     ) must be submitted before the application will be considered "Counter Complete." **All** items with a box to the left (*i.e.* ☐) must be submitted before the application will be determined "Fully Complete." All bulleted items (*i.e.*, •), must be submitted, as applicable, but are not a "Fully Complete" requirement.

1. ☐ **COVER SHEET AND TABLE OF CONTENTS** - Each submittal packet shall contain a cover sheet that contains the project name and applicant's name, address, e-mail address, and phone number. A table of contents, tabs and/or dividers to provide assistance in locating the various requirements shall follow the cover sheet.
2. ☐ **APPLICATION FORM** - The application form shall be completed and original signed in ink by the applicant.
3. ☐ **SUPPLEMENTAL WETLAND REVIEW APPLICATION FORM (DS1594)** - The form shall be completed in ink and attached to the application form under Item 2 above.
4. ☐ **APPLICATION FEE** - The requisite fee for a preliminary wetland permit review shall accompany the application. The check is to be made payable to "Clark County Community Development."
5. ☐ **WETLAND DELINEATION REPORT**
6. ☐ **DIGITAL SUBMITTAL** - Submit a digital wetland file to comply with CCC 40.450.030 (D)(3) so the county can map your wetland delineation in the GIS.
7. ☐ **WETLAND RATING FORM** - Use the Revised Wetland Rating System for Western Washington (WDOE).
8. ☐ **WETLAND BUFFER MITIGATION PLAN** - The wetland buffer mitigation plan shall include the following:
  - General project description
  - Description of Existing Conditions Map
  - Assessment of wetland and buffer functions
  - Discussion of the exact sites, specifications, and justifications for all proposed buffer modifications and/or activities within wetland buffers
  - Discussion of avoidance and minimization of impacts
  - Mitigation goals and objectives
  - Summary of the proposed wetland buffer mitigation plan

- Description of proposed buffer modifications
- Description of proposed activities or development in wetland buffers
- Site design measures to reduce land use intensity (refer to 40.450.040(C)(1))
- Proposed planting plan
- Proposed maintenance and monitoring plan

Discussion of contingency plans if performance standards are not met

**9. \_\_\_\_ EXISTING CONDITIONS MAP** - A map of the existing conditions, at a scale no smaller than 1" = 100', shall include the following:

All wetlands, ordinary high water marks, and wetland and/or habitat buffers

Topography (2 ft. contours minimum) and existing roads, utilities, and structures

Vegetation coverage (*i.e.* plant communities)

Soil conditions

**10. \_\_\_\_ PRELIMINARY MITIGATION PLANS AND DRAWINGS** - Plans and drawings, at a scale of 11" x 17" or 8 1/2" x 11" at a scale no smaller than 1" = 100', shall include the following:

Site plan showing the location, width, depth, and length of all proposed structures, roads, utilities, stormwater management facilities, and wastewater treatment in relation to parcel, wetland, and buffer boundaries

Summary plan of areas of impact and mitigation plan

- Impact, reduction, and compensation areas plan
- Grading plan for all work within wetland buffers
- Planting plan (*i.e.* species, quantities/densities, stock types, and locations)
- Monitoring plan with photo plot locations and photo angles

**11. SUBMITTAL COPIES**

\_\_\_\_ Three (3) individually bound copies (*e.g.*, using jumbo clips, stapled, comb or spiral binding, etc.), of the wetland application package,

\_\_\_\_ 3 Copies of 11" x 17" reduced plans for all sheets larger than 11" x 17"

**This application was determined to be Counter Complete on:** \_\_\_\_/\_\_\_\_/\_\_\_\_

**Community Development Specialist:** \_\_\_\_\_

**DEVELOPMENT REVIEW  
WETLAND PERMIT REVIEW, TYPE I  
FEE SCHEDULE**

WETLAND BUFFER MODIFICATION ONLY                      \$700

THE DIRECTOR MAY WAIVE ALL OR PART OF THE WETLAND PERMIT FEES PROVIDED;

1. The project is not intended to mitigate for wetland or buffer impacts; and
2. The project is not the result of an enforcement action.

# WETLAND REVIEW SUPPLEMENTAL APPLICATION FORM

(Form DS1594-Revised 8/30/06)



If an activity or project that is not explicitly exempt under CCC 40.450.010(C) affects wetlands or wetland buffers, a wetland review will be required. Use this form to identify the type of wetland review that is needed and the associated fee. The handouts referenced in the right hand column will list the specific submittal requirements.

Check applicable box(es) below	Review Type	Fee	Handout
<b>Wetland Pre-determination</b>			
A wetland pre-determination is a request to have County wetland staff conduct an on-site review of up to 40 acres. This is an <b>optional</b> application that should <u>only be submitted in advance of a development application</u> for the site or project.			
<input type="checkbox"/> Wetland Pre-determination	Type I	\$443	35B
<b>Single Family Residence Projects</b>			
Wetland permits associated with residential building permits and home business permits are Type I reviews. The reasonable use exception is for cases where the requirements of the ordinance would prevent the construction of a home and/or normal accessory structures on existing legal lots.			
<input type="checkbox"/> Single family residence	Type I	\$700	35C
<input type="checkbox"/> Home business	Type I	\$700	35C
<input type="checkbox"/> Reasonable use exception (single family)	Type I	\$700	35C
<b>Development and Grading Projects</b>			
Permit typing and submittal requirements for development permits is based on the extent of impact proposed. The reasonable use exception is for cases where the requirements of the ordinance would otherwise render the property unbuildable or would result in denial of a linear project (roads and utilities) deemed to be in the public interest.			
<input type="checkbox"/> Buffer modification only (no direct wetland impact)	Type I	\$700	35D
<input type="checkbox"/> Less than 0.1 acre of direct wetland impact	Type I	\$700	35E
<input type="checkbox"/> 0.1 acre of direct wetland Impact or more	Type II	\$1580	35E
<input type="checkbox"/> Reasonable use exception	Type III	\$7500	35F
<input type="checkbox"/> Reauthorization of an approved permit	Type I	\$700	35G
<b>Programmatic Permits</b>			
Programmatic permits are intended to be used for ongoing operations or repetitive activities at multiple sites where impacts and mitigation requirements can be applied without specific County review of each individual impact.			
<input type="checkbox"/> Programmatic permit – SEPA exempt	Type I	\$1400	35H
<input type="checkbox"/> Programmatic permit – SEPA required	Type I	\$2800	35H
<input type="checkbox"/> Reauthorization of an approved programmatic permit	Type I	\$700	35I
<input type="checkbox"/> <i>Combined wetland and habitat programmatic permit (check the type of programmatic permit above)</i>	10% fee reduction		

**This form is required for a Counter Complete wetland permit application**